

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

Joseph E. Conner,

Court File No. 3:08cv340 (HTW/LRA)

Plaintiff,

vs.

The Burlington Northern And Santa Fe
Railway Company; Union Pacific Railroad
Company; and Illinois Central Railroad
Company

**DEFENDANT ILLINOIS CENTRAL
RAILROAD'S MOTION FOR
TAXATION OF COSTS**

Defendants.

COMES NOW Defendant, Illinois Central Railroad Company, by and through counsel, and moves this Court pursuant to 28 U.S.C. §1920 to tax the Plaintiff, Joseph E. Conner, for costs, and states as follows:

1. Defendant filed a Motion for Summary Judgment on July 24, 2009 (Docket No. 71), which was granted by this Court on February 26, 2010. Final Judgment for the Defendant was entered on that same day. (Docket No. 88)

2. Rule 54 of the Federal Rules of Civil Procedure provides that “[u]nless a federal statute, these rules, or a court order provides otherwise, costs – other than attorney’s fees – should be allowed to the prevailing party.” The federal statute 28 U.S.C. § 1920 enumerates the following recoverable costs:

- (a) Fees of the clerk and marshal;
- (b) Fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (c) Fees and disbursements for printing and witnesses;
- (d) Fees for exemplification and copies of papers necessarily obtained for use in the case;

- (e) Document fees under section 1923 of Title 28;
- (f) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under 28 U.S.C. §1828.

3. The statutory permissible costs in this case are the following:

- (a) Fees for other copies of papers necessarily obtained for use in this case, including discovery and court filings - \$660.39 (Exhibit A);
- (b) Fees for computer based research, which was necessarily obtained for use in the dispositive motion in this case - \$3,134.00 (Exhibit B);
- (c) Filing fee for Certificates of Good Standing from the United States District Court for the Southern District of Mississippi, which were necessarily obtained for use in this case - \$45.00 (Exhibit C);
- (d) Deposition transcript fees for witnesses Raymond Stimart and Tonya Lovegrove, which were necessarily obtained for use in the dispositive motion in this case - \$80.70 (Exhibit D);
- (e) Federal Express fees, which were necessarily obtained for use in this case - \$108.31 (Exhibit E);
- (f) Postage fees, which were necessarily obtained for use in this case - \$11.56 (Exhibit F); and
- (g) Fees of the court reporter for the deposition transcript of Plaintiff's deposition that was necessarily obtained for use in this case - \$2,903.50 (Exhibit G).

3. The total of these costs to be taxed is \$6,943.46.

4. Attached hereto is an Affidavit of Stephanie D. Sarantopoulos verifying, pursuant to 28 U.S.C. § 1924, that all items enumerated herein to be taxed are correct and have been necessarily incurred in this case, and that the services for which the fees have been charged were actually and necessarily performed (Exhibit H).

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this Court tax the Plaintiff the above-referenced amounts, for immediate payment.

Dated: March 26, 2010

s/Stephanie D. Sarantopoulos

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**ATTORNEYS FOR ILLINOIS CENTRAL
RAILROAD COMPANY**

CERTIFICATE OF SERVICE

1, Stephanie D. Sarantopoulos, do hereby certify that on March 26, 2010, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following: Nick Norris at nick@louiswatson.com; and Louis Watson at louis@louiswatson.com

s/Stephanie D. Sarantopoulos
Stephanie D. Sarantopoulos

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